

## **REMARKS**

Attached hereto is a request for a one months' extension of time, together with check number 1176 in the amount of \$55.00 to pay for this extension.

It is noted that the drawings, as filed, were objected to by the examiner. Enclosed herewith are copies of the 3 sheets of drawings with proposed changes marked in red in Figures 1, 4, 6 and 7, to overcome the examiner's objections. The examiner is requested to approve these changes and to advise applicant accordingly.

The specification has been amended to add certain material and to correct a number of errors and omissions therein. No new matter is believed to be added by this added material or corrections. For example, in the application as filed, on page 2, lines 22, 23 and 28, 29, page 4, lines 9, 11 and 18, 19, page 6, lines 27, 28, page 7, lines 1 - 7, the broadcasting of stored audio is mentioned. This mention, plus the wording of claims 1, 11 and 15, which form part of the original disclosure, are adequate basis for the original claim language and the amendment to the paragraph on page 7, starting at line 3 and extending through line 9.

The examiner rejected claims 1 - 17 under 35 U.S.C. § 103(a) as being unpatentable over Mehaffey et al. in view of Hall et al. (1 and 10), and Conklin (2 - 9 and 11 - 17).

All of the claims in this application have been amended by this amendment, to point out that the present invention is drawn to a portable device having a portable body. In this connection see page 5, lines 1 - 6 wherein it is stated that the invention is easily portable and low cost. Additionally, the three independent claims 1, 11 and 15 have been amended to point out that the audio output is a recorded or synthesized tone or voice on a record/playback device broadcast by a further device.

It is Applicants' contention that the portability feature, coupled with the record/playback device having a non-volatile that provides an audio output that is a recorded or synthesized tone or voice broadcast by a further device plugged into a port in the portable intrusion detection radio appliance of the present

invention, differentiates Applicants' invention from the prior art. In this connection attached hereto as Exhibit A is a brochure describing Applicants' unique device.

The primary reference to Mehaffey et al. cited by the examiner does not disclose or teach such a portable device, nor can it be considered by any stretch of the imagination a low cost device, such as provided by Applicants. Mehaffey et al. is a very complex system that does not include a microphone to locally record voice annunciation or to detect and broadcast ambient sounds. Nor does Mehaffey et al. disclose the use of a video camera to monitor and broadcast still or motion pictures. Furthermore, Mehaffey et al. stores audio by transmitting voice over a wireless communication channel to a sentry device. The audio is then encoded and stored in RAM. This audio stream will be distorted by the communication. Also, the stored data is lost if the battery goes dead. The present invention stores audio in a flash ROM so data is retained without battery power. Furthermore, the stored data in the non-volatile ROM library of Mehaffey et al. requires a more powerful, expensive microprocessor using more memory storage. There are other numerous differences between Mehaffey et al. and the present invention. Therefore, Mehaffey et al. does not disclose or teach a low cost portable device as disclosed and claimed by Applicants.

The secondary and tertiary references to Hall et al. and Conklin fail to disclose Applicants invention and/or to make up for the deficiencies in the primary reference to Mehaffey et al. Furthermore, it is not seen how the teaching of these patents could be applied to Mehaffey et al. without interfering with the operation of such devices.

In conclusion, none of the prior art, whether taken alone or properly combined, contains teaching or provides motivation of how or why they may be combined to arrive at Applicants device as claimed herein.

The examiner's contention that it would be obvious to somehow combine the teachings of Mehaffey et al., Hall et al. and/or Conklin to arrive at Applicants invention is believed to be incorrect. As set forth in *In Re SANG-SU LEE*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430, the factual inquiry whether to combine

references must be thorough and searching and must be based on objective evidence of record. The examiner cannot use conclusory statements to support his subjective belief that it was obvious that a person skilled in the art would have been motivated to combine the prior art.

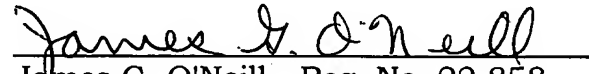
In the rejections set forth by the examiner, the examiner did not set forth specific motivation or teaching in the prior art, but instead relied on conclusory statements. Therefore, the examiner's rejections are believed to be improper and should be withdrawn.

Since no claims were added by this amendment, no further fee is required.

In view of the above, the Examiner is respectfully requested to allow this application and to notify Applicants accordingly.

If the Examiner has any questions with regard to this amendment he is respectfully requested to contact Applicant's attorney at either the facsimile or telephone number set forth below.

Very truly yours,  
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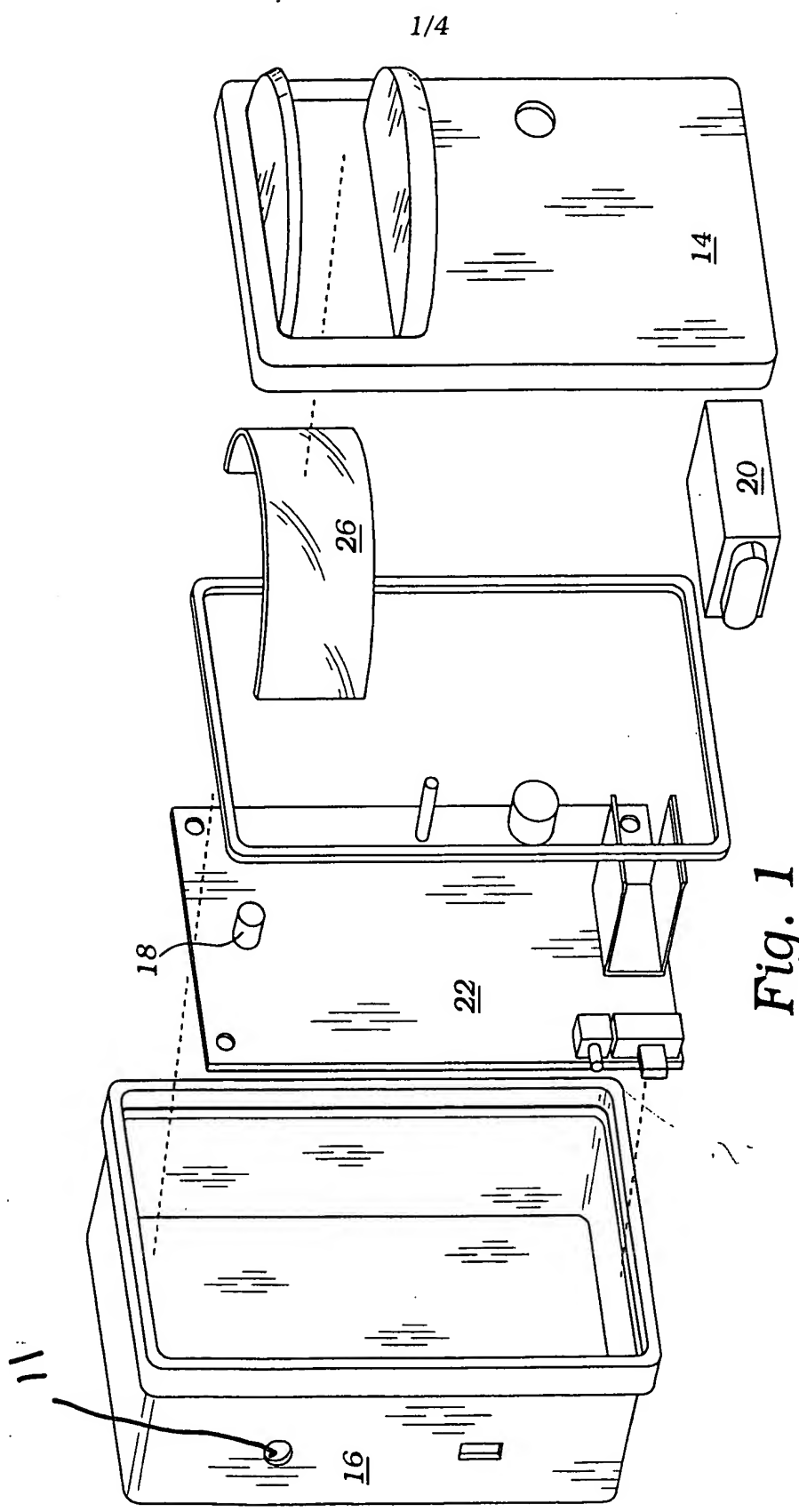


Fig. 1



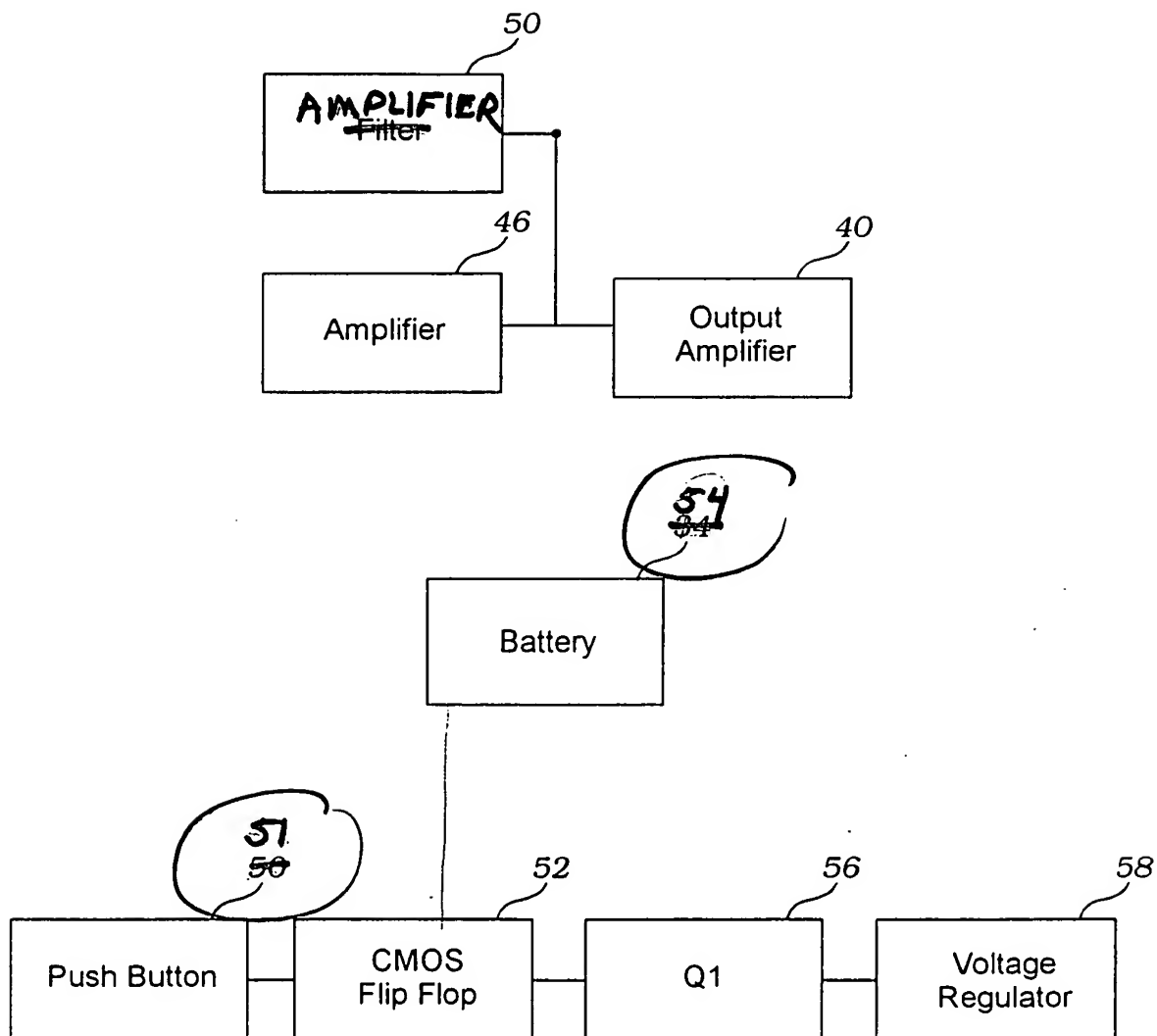


Fig. 7